

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 6, line 30, delete "parole," and insert "parole;".
- 2 Page 6, line 30, strike "unless the offender obtains written".
- 3 Page 6, line 31, strike "approval from the parole board;".
- 4 Page 6, line 34, after "offense" insert ".".
- 5 Page 6, line 34, strike "unless".
- 6 Page 6, strike lines 35 through 39.
- 7 Page 6, line 42, delete "confidential," and insert "confidential.".
- 8 Page 6, line 42, strike "even if the offender obtains a waiver under".
- 9 Page 7, strike line 1.
- 10 Page 7, line 5, delete "of" and insert "**of:**
- 11 **(A)**".
- 12 Page 7, line 6, delete "(IC 35-42-4-3)" and insert "**(IC 35-42-4-3) if**
- 13 **the person was at least eighteen (18) years of age at the time the**
- 14 **person committed the offense;**".
- 15 Page 7, line 6, delete "of", begin a new line double block indented,
- 16 and insert:
- 17 **"(B)"**.
- 18 Page 7, line 7, delete "molesting;" and insert "**molesting if the**
- 19 **person was at least eighteen (18) years of age at the time the person**
- 20 **committed the offense;**".

1 Page 7, line 8, delete "defined" and insert "**described**".

2 Page 7, line 8, after "IC 35-38-2.5-3)" delete "." and insert "**that can**
3 **transmit information twenty-four (24) hours each day regarding a**
4 **person's precise location.**".

5 Page 7, between lines 8 and 9, begin a new paragraph and insert:

6 "SECTION 3. IC 35-38-2-2.5 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this
8 section, "offender" means an individual convicted of a sex offense.

9 (b) As used in this section, "sex offense" means any of the
10 following:

- 11 (1) Rape (IC 35-42-4-1).
- 12 (2) Criminal deviate conduct (IC 35-42-4-2).
- 13 (3) Child molesting (IC 35-42-4-3).
- 14 (4) Child exploitation (IC 35-42-4-4(b)).
- 15 (5) Vicarious sexual gratification (IC 35-42-4-5).
- 16 (6) Child solicitation (IC 35-42-4-6).
- 17 (7) Child seduction (IC 35-42-4-7).
- 18 (8) Sexual battery (IC 35-42-4-8).
- 19 (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- 20 (10) Incest (IC 35-46-1-3).

21 (c) A condition of remaining on probation or parole after conviction
22 for a sex offense is that the offender not reside within one (1) mile of
23 the residence of the victim of the offender's sex offense.

24 (d) An offender:

25 (1) who will be placed on probation shall provide the sentencing
26 court and the probation department with the address where the
27 offender intends to reside during the period of probation:

28 (A) at the time of sentencing if the offender will be placed on
29 probation without first being incarcerated; or

30 (B) before the offender's release from incarceration if the
31 offender will be placed on probation after completing a term of
32 incarceration; or

33 (2) who will be placed on parole shall provide the parole board
34 with the address where the offender intends to reside during the
35 period of parole.

36 (e) An offender, while on probation or parole, may not establish a
37 new residence within one (1) mile of the residence of the victim of the
38 offender's sex offense. ~~unless the offender first obtains a waiver from~~
39 ~~the:~~

40 ~~(1) court, if the offender is placed on probation; or~~

41 ~~(2) parole board, if the offender is placed on parole;~~

42 ~~for the change of address under subsection (f):~~

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

(1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;

(2) the offender is in compliance with all terms of the offender's probation or parole; and

(3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) (f) The address of the victim of the offender's sex offense is confidential. even if the court or parole board grants a waiver under subsection (f):".

Page 7, line 13, after "parole" insert **"that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 5-2-12-4 that was committed by the person"**.

Page 7, line 19, delete "if:" and insert **"if"**.

Page 7, line 20, delete "(1)".

Page 7, run in lines 19 through 20.

Page 7, delete line 21 and insert **"section."**.

Page 7, delete lines 22 through 32.

Page 8, line 20, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**.

Page 8, line 25, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**.

Page 8, line 26, after "molesting" insert **"who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 8, line 32, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense."**.

Page 8, line 38, after "molesting" insert **"and who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 8, line 40, delete "Indiana," and insert **"Indiana who was at least eighteen (18) years of age at the time the person committed"**

1 **the offense,".**

2 Page 9, line 1, delete "defined" and insert "**described**".

3 Page 9, line 1, after "IC 35-38-2.5-3)" delete "." and insert "**that can**
4 **transmit information twenty-four (24) hours each day regarding a**
5 **person's precise location."**

6 Page 9, line 26, delete "person:" and insert "**person who commits**
7 **a crime after June 30, 2006."**

8 Page 9, delete lines 27 through 29.

9 Renumber all SECTIONS consecutively.

(Reference is to SB 6 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

Senator Long, Chairperson